

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

LEWIS COSBY, ERIC MONTAGUE, and MARTIN ZIESMAN, as Co-Trustee for the Carolyn K. Ziesman Revocable Trust, on behalf of themselves and all others similarly situated,

Case No. 3:16-cv-121-TAV-DCP

Plaintiffs,

v.

KPMG LLP,

Defendant.

**SUPPLEMENTAL DECLARATION OF ALEXANDER VILLANOVA
REGARDING (I) MAILING OF THE NOTICE AND PROOF OF CLAIM;
(II) CALL CENTER SERVICES; (III) THE SETTLEMENT WEBSITE; AND
(IV) REQUESTS FOR EXCLUSION AND OBJECTIONS RECEIVED TO DATE**

I, Alexander Villanova, declare and state as follows:

1. I am a Senior Project Manager employed by Epiq Global (“Epiq”). Pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice dated March 23, 2022 (ECF No. 237) (the “Preliminary Approval Order”), Epiq was authorized to act as the Claims Administrator for the Settlement in the above-captioned action (the “Action”).¹

2. The following statements are based on my personal knowledge and information provided by Epiq employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

3. I submit this Declaration as a supplement to my earlier declaration, The Declaration of Alexander Villanova Regarding (I) Mailing of Postcard Notice, (II) Publication of Summary Notice; (III) Call Center Services; (IV) The Settlement Website; and (V) Requests for Exclusion and Objections Received to Date (the “Initial Villanova Declaration”).

I. MAILING OF THE NOTICE AND PROOF OF CLAIM

4. At the time of the Initial Villanova Declaration, Epiq had mailed a total of 29,681 Postcard Notices to potential Settlement Class Members.

5. Epiq has continued to disseminate Postcard Notices and Claim Packets in response to additional requests from potential Settlement Class Members.

6. After the Initial Villanova Declaration, Epiq mailed an additional 6,681 Postcard Notices and 51 Claim Packets to potential Settlement Class Members.

7. Thus, Epiq mailed a total of 36,362 Postcard Notices and 51 Claim Packets to potential Settlement Class Members.

¹ Unless otherwise defined herein, all capitalized terms shall have the same meaning as set forth in the Stipulation and Agreement of Settlement, dated March 11, 2022 (the “Settlement” or “Stipulation”) (ECF No. 236) and/or the Preliminary Approval Order.

II. CALL CENTER SERVICES

8. Epiq continues to maintain the toll-free phone number for the Settlement, (855) 604-1841, which became operational on April 20, 2022. Epiq has promptly responded to each telephone inquiry and will continue to address potential Settlement Class Members' inquiries.

III. THE SETTLEMENT WEBSITE

9. Epiq continues to maintain the Settlement Website (www.MillerEnergy-KPMGsecuritiessettlement.com) which became operational on April 20, 2022, and is accessible 24 hours a day, 7 days a week. Among other things, the Settlement Website includes information regarding the Action and the proposed Settlement, and information regarding the request for attorneys' fees and reimbursement of litigation expenses and request for Plaintiff reimbursements, including the exclusion, objection and claim-filing deadlines and the date and time of the Court's Final Fairness Hearing. In addition, copies of the Notice, Claim Form, Stipulation, Preliminary Approval Order, and other documents related to the Action are posted on the Settlement Website and are available for downloading. Epiq will continue operating, maintaining and, as appropriate, updating the Settlement Website until the conclusion of this administration.

IV. REQUESTS FOR EXCLUSION AND OBJECTIONS RECEIVED TO DATE

10. The Postcard Notice, Notice, Publication Notice, and Settlement Website informed Settlement Class Members that requests for exclusion from the Settlement Class had to have been received by June 16, 2022. The Notice directed Settlement Class Members who wish to request exclusion to mail their request to *Miller Energy-KPMG Securities Settlement*, P.O. Box 5024, Portland OR, 97208-5024. The Notice also sets forth the information that needed to be included in each request for exclusion. Epiq monitors all mail delivered to this post office box.

11. As of the date of this Declaration, one week after the deadline to request exclusion, Epiq has not received any requests for exclusion.

12. The Postcard Notice, Notice, Publication Notice and Settlement Website also informed Settlement Class Members that to object to the Settlement, the proposed Plan of Allocation, or Plaintiffs' Counsel's motion for an award of attorneys' fees and reimbursement of Litigation Expenses or request for Plaintiff reimbursements, the objection needed to be in writing, and filed with the Court and delivered to representatives of Co-Lead Counsel and Defendant's Counsel such that they are received on or before June 16, 2022.

13. As of the date of this Declaration, one week after the deadline to request exclusion, Epiq has not been informed of any objections to the Settlement, the Plan of Allocation, or Plaintiffs' Counsel's motion for attorneys' fees and reimbursement of Litigation Expenses or Plaintiff incentive awards.

14. The deadline for filing claims has not yet passed. As of the date of this Declaration, Epiq has received 475 claims. Epiq is proceeding to review and process each of those claims in accordance with its procedures and will continue to review claims filed until the deadline as well as any late-filed claims.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on June 23, 2022.



Alexander Villanova